

RDN02124
Serial number: 10/657,980
AMENDMENT

REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 53 and 95-99 have been rejected.

Claims 53 and 95-98 have been amended.

New claims 100-115 are filed.

Claim 99 is kept unchanged.

Claims 53-94 are cancelled.

Claims 95-115 are pending in the application.

Claims 54-94 withdrawn from consideration are cancelled.

Claims 53 and 97 are objected for informalities.

Applicant has canceled claim 53 and merged the content of that claim with claim 95.

The content of claim 53 has been merged with claim 96 and a part of cancelled claim 79. New claims 100 and 101 have the features of cancelled claims 90 and 91 and new claims 100-115 have the features of cancelled claims 54-69.

All the abbreviations have been deleted in all the amended claims 95-98. The aqueous-alcoholic medium and the rinsing medium are of course different and all ambiguities have been suppressed after the deletion of the abbreviations MR and MAV.

The term "and" has been added for the limitations of vehicle V as suggested by the Examiner.

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Claim 97 has been amended to make it clear that the MAO is encapsulated within A as described in paragraph [03339] of Applicant specification 2005/0097678.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the objections to claims 53 and 95.

The rejection of claim 53 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is now moot because claim 53 has been cancelled.

In amended process claim 95, it is clear that the vehicle is in solid form and soluble or dispersible in the aqueous or aqueous-alcoholic medium and in the rinsing medium; the active substance is in particulate form. The vehicle is soluble or dispersible in the aqueous or aqueous-alcoholic medium and in the rinsing medium, has an overall cationic or zero ionic charge in the aqueous or aqueous-alcoholic medium, and at the pH of the rinsing operation in the rinsing medium and is capable of developing anionic charges in sufficient quantity to destabilize the active substance in the rinsing medium. Thus, the vehicle may or may not be in a solid form and is capable of taking said active substance to the surface of said textile fiber articles in the rinsing operation, in the form of a stable dispersion.

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The rejection of claims 95-96 and 99 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 39, 40 and 43 of copending US Application No. US 10/658, 577 is now moot because Applicants are herewith filing a terminal disclaimer in compliance with 37 CFR 1.321 (c).

According to the OG Notice of 12/26/01 "Guidelines Setting Forth a Modified Policy, the undersigned Agent of record makes the statement that the instant application and the reference: US Application No. US 10/658, 577 was, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person, Rhodia-Chimie.

Claims 53 and 95-99 are rejected under 35 U.S.C. 102(e) as being anticipated by Altmann et al. (EP 1096060).

Altmann et al. do not describe nor suggest the claimed process wherein the vehicle is one of these particular claimed polymers:

acrylic acid/DADMAC copolymers, with a molar ratio of 50/50 to 30/70, optionally with a molar mass by weight of from 70 000 to 350 000 g/mol,

acrylic acid/MAPTAC copolymers, with a molar ratio of 60/40 to 30/70, optionally with a molar mass by weight of from 90 000 to 300 000 g/mol,

acrylic acid/MAPTAC/linear C₄-C₁₈ alkyl methacrylate terpolymers comprising 0.005 to 10% by mass of alkyl methacrylate, with an acrylic acid/MAPTAC molar ratio ranging from 60/40 to 30/70, and optionally having a molar mass by weight of from 50 000 to 250 000 g/mol, or

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acrylic acid/dimethylaminoethyl methacrylate (DMAEMA) copolymers, with a molar ratio of 60/40 to 30/70, optionally with a molar mass by weight of from 50 000 to 300 000 g/mol.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 53 and 95-99 under 35 U.S.C102(e) as being anticipated by Altmann et al. (EP 1096060).

Claims 53 and 95-99 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnabas et al.(WO 00/65014).

Barnabas et al. do not describe nor suggest the claimed process wherein the vehicle is one of these particular claimed polymers:

acrylic acid/DADMAC copolymers, with a molar ratio of 50/50 to 30/70, optionally with a molar mass by weight of from 70 000 to 350 000 g/mol,

acrylic acid/MAPTAC copolymers, with a molar ratio of 60/40 to 30/70, optionally with a molar mass by weight of from 90 000 to 300 000 g/mol,

acrylic acid/MAPTAC/linear C₄-C₁₈ alkyl methacrylate terpolymers comprising 0.005 to 10% by mass of alkyl methacrylate, with an acrylic acid/MAPTAC molar ratio ranging from 60/40 to 30/70, and optionally having a molar mass by weight of from 50 000 to 250 000 g/mol, or

acrylic acid/dimethylaminoethyl methacrylate (DMAEMA) copolymers, with a molar ratio of 60/40 to 30/70, optionally with a molar mass by weight of from 50 000 to 300 000 g/mol.

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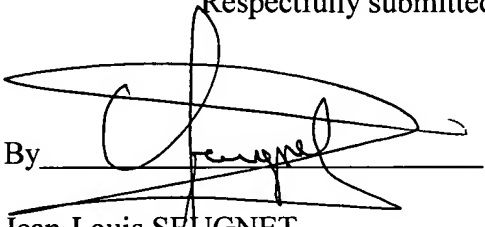
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For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 53 and 95-99 under 35 U.S.C. 102(e) as being anticipated by Barnabas et al.(WO 00/65014).

In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

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**Rhodia Inc.-Legal Department
8 CEDAR BROOK DRIVE
CN 7500, CRANBURY, NJ 08512-7500**

Respectfully submitted,

By _____
Jean-Louis SEUGNET
Reg. No. L0088
Tel : (609) 860-4180
Fax: (609) 860-0503